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2 UNITED STATES DISTRICT COURT  
3 SOUTHERN DISTRICT OF NEW YORK  
4 File No. 07CV3782

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8 MARK KAPITI,

Plaintiff,

- against -

RAYMOND W. KELLY, in his official  
capacity as Commissioner of the NEW  
YORK CITY POLICE DEPARTMENT, PROPERTY  
CLERK, NEW YORK CITY POLICE DEPARTMENT  
AND THE CITY OF NEW YORK,

Defendants.

May 28, 2008

10:40 a.m.

Deposition of GEORGE TRIFFON,  
taken by the Plaintiff, pursuant to  
Notice, held at the offices of  
Corporation Counsel, One Police Plaza,  
New York, New York, before Brian  
Glickman, a Shorthand Reporter and  
Notary Public of the State of New York.

TRIFFON

were to have gone to an OATH hearing.

Q. Do you see -- now, you are looking on the left-hand side in the middle of the first page, correct?

A. Correct.

Q. And next to the term hearing attorney, ATTY, it has your last name, correct?

A. It does.

Q. And that's the misnomer that you indicated?

A. The word attorney is a misnomer, because at the time I was not an attorney. I was simply a representative of the Police Department at these hearings.

Q. Would it be more accurate to call you a hearing officer?

MR. HAZAN: Objection.

A. It would be more accurate to not call me an attorney.

Q. Now, underneath Hearing Attorney Triffon, it says hearing DISP, do you see that?

TRIFFON

A. Yes.

Q. What does that refer to, what does that line refer to?

MR. HAZAN: Objection to form.

A. Again, I'm simply interpreting the page in front of me. It appears to say hearing disposition, which indicates the disposition of the hearing.

Q. What does it say next to it?

A. Needed by DA as evidence dash no.

Q. What does that mean?

A. To the best of my recollection, it means that no hearing was going to be conducted because the vehicle was needed as evidence by the District Attorney.

Q. Let's run through that one more time.

It says here needed by DA as evidence dash no, correct?

A. Correct. That's what I see.